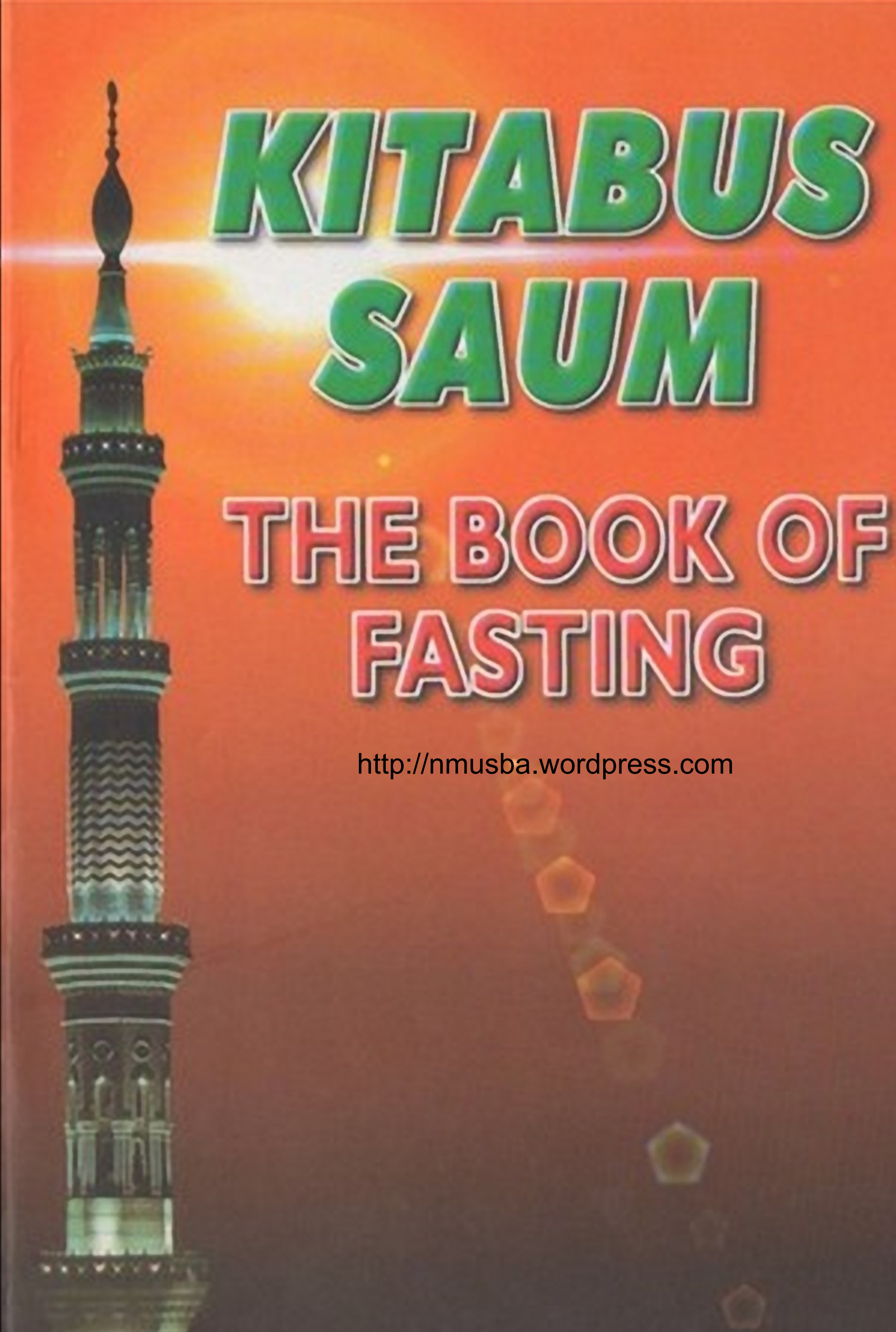

KITABUS SAUM
THE BOOK OF FASTING
http://nmusba.wordpress.com
MAJLISUL ULAMA OF S. AFRICA

KITABUS SAUM

THE BOOK OF FASTING

(Majlisul Ulama of South Africa)

http://nmusba.wordpress.com

CONTENT

Introduction

"O People of Imaan! Siyâm (fasting) has been ordained for

you just as It was ordained for those before you so that

you attain taqwa! [Qur'an]

Siyam is among the fundamental acts of Ibadat. It has been ordained by Allah Ta'ala for the development of taqwa (piety) in the Mu'mineen. Fasting is extremely efficacious for the acquisition of taqwa. A Muslim cannot acquire Divine Proximity without taqwa. Without taqwa, the Muslim must necessarily drift far off the straight Path (Seeratul Mustaqeem) which leads to Allah Ta'ala and everlasting success in the Akhirah.

One who denies the fardhiyat (obligation) of Saum, no longer remains a Muslim and the one who does not fast during the month of Ramadhan is a Fassiq (an immoral and flagrant transgressor) of the highest order. Such a Fassiq totally destroys his spirituality and morality and exposes his Imân to the gravest onslaughts of kufr.

There are numerous benefits, both spiritual and physical, of fasting. The prime benefit in the pursuit of taqwa is the suppression of the inordinate desires and demands of nafs-e-ammarah (man's base carnal propensity). The nafs is perpetually in collusion with shaitan. to spiritually and morally ruin the Mu'min. If the nafs is allowed unrestrained freedom, it will succeed to make man the slave of passion, lust and base emotions. His Imaan will suffer. The Noor of his Imaan will be extinguished. It is, therefore, essential that the nafs is put in fetters. Fasting greatly aids in this direction.

By fasting, the Muslim learns to restrain his lowly desires. The nafs is not allowed free expression. The nafs becomes accustomed to submit to the Shariah's restrictions. Carnal desires are weakened and the ability of inculcating taqwa is created.

Fasting produces purity in the rooh (soul). For such purity to come into the rooh, spiritual authorities (the Auliya) say, there is nothing that has greater efficacy than fasting. While fasting results in even physical health, it creates a feeling of palpable spiritual purity in the Mu'min. The Door of Roohaniyat (the spiritual domain) is opened up by fasting.

Fasting creates pleasure in Ibadat. It also makes the heart more conducive for Ibadat. The bond with Allah Ta'ala is strengthened and the Mu'min acquires a greater awareness of his spiritual and moral goals for which he has been created.

By fasting, the Mu'min progressively draws nearer to Allah Ta'ala.

Once Rasulullah (sallallahu alayhi wasallam) supplicated:

"O Rabbul Alameen! When does the servant become closest to you?"

The Divine Reply came:

'When the servant is hungry and when he is in Sajdah".

The development of lofty, angelic attributes are engendered in the Mu'min by fasting. In fasting, man brings about in him a resemblance with the angels since the latter do not eat. They are devoid of evil inclinations and all things base. Man by reducing his worldly relations and by increasingly stripping his nafs of emotional desires, moves closer to the angelic domain. Thikrullah is the nourishment of the angels. By increasing his Thikrullah, especially in the state of fasting, the Muslim enters the realm of Divine Proximity.

Fasting engenders a feeling for the poor. Mar. becomes more conscious of his less fortunate brethren and their hardships. He thus learns the lesson of sacrificing some of his wealth to aid others in need. He inculcates in him feeling for humanity.

The greatest and highest benefits of fasting are the acquisition of Allah's Pleasure and lofty ranks in the Akhirah.

In a Hadith-e-Qudsi, Allah Ta'ala says:

"Saum is for Me. I shall (personally) apportion out the reward for it".

For the acquisition of the numerous benefits of Siyam, there is, however, one vital condition, viz.: abstention from sin and futility. Sin and futility negate the beneficial effects of fasting. It is therefore essential for the S7a-ism (the fasting person) to exercise utmost care and abstain from sin and all things of futility. Should the Sa-IM not be heedful of this important condition, his mere abstention from food and water will be akin to a chained animal which is denied food. Spiritually such abstention from food and drink is of no value. The Muslim should therefore understand well the purpose of Saum and transform his abstention from food into a higher and spiritual act of Ibaadat for the achievement of all the lofty benefits by abstaining from sin, futility and all such things, acts, attitudes and thoughts which neutralize and nullify the efficacy of Saum.

In addition to the adoption of the moral principles for gaining the spiritual and moral effects of Saum, it is essential to adopt all the fiqh juristic) rules necessary for the validity of Saum. Without these rules the Saum is rendered utterly worthless and at times totally invalid. This book explains these important and necessary rules.

Mujlisul Ulama of South Africa (Port Elizabeth)

SHABAAN 1413 FEBRUARY 1993

KITABUS SAUM (THE BOOK OF FASTING)

DEFINITION

Saum (fasting) is abstention' from eating, drinking and sexual intercourse during the day whilst having made niyyat (intention) of Saum. The fasting day commences with Subah Sadiq (Fajr Thani) and ends at sunset.

CATEGORIES OF SAUM

There are two categories of Saum, viz.,

Wajib (2) Nafl

(1) WAJIB CATEGORY

The word 'Wajib' here means 'essential' or 'necessary'. It does not refer to the technical meaning of the Fiqhi term, Wajib, the definition of which appears at the end of this book under the title: Necessary Technical Terms of Fiqh.

The category of Wajib Saum includes all forms of compulsory fasts -both Fardh and Wajib.

The Wajib category is sub-divided into two classes of Saum, viz.

Saum related to time.

Saum which devolves upon one as an obligation.

(a) SAUM RELATED TO TIME

This type of Saum comes into effect when the occasion or time for its observance arrives. This type of Saum comprises:

The Saum of Ramadhan.

The Saum of Nathrul Muayyan.

Nathrul Muayyan refers to a vow in which it was stipulated that a particular day/s will be fasted upon materialization of one's wish or dua.

NIYYAT FOR THIS FIRST WAJIB CATEGORY

It is perferable to make the Niyyat for this Wajib category of Saum during the night, i.e. prior to the entry of Subah Sadiq when the fast starts.

If the Niyyat was not made during the night, the Saum will be valid if the Niyyat is made approximately one hour before Zawwal. One hour before Zawwal is an approximate time taken as a precautionary measure. The exact time limit for the validity of the Niyyat for Saum is before the time of Nisfun-Nahar, i.e. mid-day in terms of the Shariah.

Nisfun-Nahar is determined by dividing by two the time duration from Subah Sadiq to sunset, and adding the result to Subah Sadiq time.

Example:

Subah Sadiq 5:30 a. m.

Sunset 5:35 p. m.

Time duration from Subah Sadiq to Sunset:

12 hrs. 5 mins divided by 2

=6 hrs. 2 mins. Add this result to Subah Sadiq:

5:30 + 6:02 = 11.32 a.m. = Nisfun Nahar

If Niyyat is made for the Saum before 11:32 a.m. (in this example), the Wajib-Saum will be valid.

It is not essential that any particular Niyyat formula be recited. Niyyat merely means to intend that one will be fasting, or is fasting. The Niyyat could also be made verbally in any language, e.g. one may say:

'O Allah! Tomorrow I shall be fasting for You'. Or one may recite in Arabic e.g.

"Nawaitu bi saum-il yauma min shahar-i-Ramadhan".

"I intend to fast for this day in the month of Ramadhan (for the sake of Allah only)".

Remaining without food and drink the whole day will not render such abstention a Saum if no Niyyat was made.

During the month of Ramadhan only Niyyat of the existing Ramadhan Saum will be valid. Even if a Niyyat for any other Saum, is made during Ramadhan, then too only the Saum, of the existing Ramadhan will be discharged and not the Saurn for which Niyyat was made.

(b) SAUM WHICH DEVOLVES AS AN OBLIGATION

This is the second category of Wajib Saum (stated earlier). Examples of Saum in this category are:

(1.) Qadha of Ramadhan

(ii) Nathrul Mutlaq which is a vow made to fast any number of days without stipulating any particular day or date in the vow.

Kaffarat.

Saum, of Zihar

NIYYAT FOR THIS SECOND CATEGORY OF WAJIB SAUM

This type of fast will be valid only if niyyat was made during the night, i.e. before Subah S7adiq.

If niyyat for this type of Saum was made after Subah Sadiq, then the Wajib Saum of this category, will not be discharged, and the Saum thus kept will be a Nafl fast.

(2) NAFL CATEGORY

All classes of Nafl Saum are valid with a niyyat made prior to Nisfun-Nahar. It is preferable to make the Niyyat at night; however, as said, it will be valid even if not made at night. The sunnat fasts also fall in the Nafl category.

(2) Thus, for Saum belonging to the first category of Wajib (see page 3) and for Nafl Saum, a niyyat made prior to Nisfun-Nahar will suffice.

(3) Once a Nafl Saum has been commenced, it to Incumbent to complete It.

(4) It is not permissible to nullify a Nafl fast without valid reason.

(5) If a Nafl fast is broken, it is obligatory to make Qadha of it.

(6) A Mutlaq (i.e. without any descriptive condition) niyyat suffices for the validity of Nafl Saum. Thus, the Niyyat: 'I shall be fasting,' suffices.

(7) A riiyyat made for Nafl Saum during the night may be cancelled before Subah Sadiq, and qadha for the intended Nafl Saum will not be obligatory.

(8) A niyyat made for Nafl Saum after Subah Sadiq, but before Nisfun-Nahar, makes the fast incumbent. If the fast is broken, qadha becomes obligatory.

(9) It is permissible to end a Nafl Saum to honor one's guests by participating in meals with them. The Saum thus broken should be made qadha.

(10) When the husband is present, it is not permissible for the wife to engage in Nafl Saum without his consent. If she kept a Nafl Saum without his consent, it will be permissible for her to break it if he instructs her to do so. She has to make qadha of the fast whenever her husband gives her the permission to do so.

(11) The incidence of haidh (menses) during a Nafl fast will necessitate qadha. If during the day when a woman is keeping a Nafl fast she menstruates, the Saum will be broken. Qadha of the day is necessary.

(12) A Qadha fast was commenced. However, niyyat for the Qadha was not made during the night as is required by the Shariah. The niyyat was made only after Subah Sadiq. The qadha is not valid. However, this fast will be a Nafl one. The fast should not be broken. If it is broken qadha will have to be made.

THE MASNOON SAUM

The Masnoon (Sunnat) fasts are all classified in the Nafl category (see page 5). The following are the Sunnat fasts for which the Shariah promises great thawab (reward):

(1) The 10th of Muharram - the Day of Ashura. Along with the 10th, either the 9th or the 11th should also be kept.

(2) The 9th of Zil-haj.

(3) The 15th of Sha'ban.

(4) Six days during the month of Shawwal. These six Saum may be kept consecutively (in succession) or spread over the month.

(5) The 13th, 14th and 15th of every Islamic month.

(6) Every Monday and Thursday.

(7) The first nine days of Zil-haj.

SAHRI

Sahri is the act of arising from sleep during the course of the night to partake of some food or drink in anticipation of the next day's fasting.

1. Sahri is Sunnat regardless of whether one feels like eating anything or not. One should rise and eat even a date or two or merely take a gulp of water.

2. It is of greater merit to delay Sahri. But it should not be delayed so much that Subah Sadiq has almost set in, causing doubt in the validity of the fast.

3. It is not permissible to forgo a fast because of failure to wake up during the night for Sahri.

4. It is not permissible to eat after the expiry of Sahri time. Sahri time expires with the commencement of Subah Sadiq.

5. Some people continue eating even while the Fajr Athaan is being proclaimed. This act breaks the fast since the Athaan is proclaimed after expiry of Sahri time.

6. While the best method of observing Sahri is in the later part of the night, after rising from sleep, the Sahri will be valid if for some reason one remained awake until late in the night and then partook of Sahri before going to sleep.

7. Eating by error after the ending of Sahri time necessitates QADHA of the fast. If one ate under the mistaken Impression that it was still Sahri time, the fast of the following day will not be valid. However, it is Wajib (compulsory) to abstain from all acts which break Saum and to remain like a Sa-im (a fasting person). Qadha of the fast will have to be made after Ramadhan.

8. A doubt in the ending of Sahri time will not invalidate the fast although it is Makrooh (a sinful act) to eat when there is a doubt as to the existence of Sahri time. But qadha will not be compulsory. Nevertheless, in view of the doubt, it will be better to make qadha of such a fast.

9. It is Mustahab to delay Sahri as late as possible, but not to the Makrooh time, i.e. when one starts doubting the validity of Sahri time.

10. Some Ramadhan time-tables indicate a recommended time for the cessation of eating, etc. at the time of Sahri. It, is not obligatory to stop eating at such recommended times. One is allowed to eat right until the ending of Sahri time which coincides with Subah Sadiq although it is best to stop a couple of minutes before Subah Sadiq.

(11) If Sahri was missed due to having overslept, one should not forgo fasting. It is not permissible to refrain from Saum because of having missed Sahri.

SAUM IN ABNORMAL TIME ZONES

In abnormal time zones where the sun either does not rise or set for months, the times of the nearest normal region should be taken for beginning and ending the Saum.

IFTAR

(1) It is Mustahab to hasten with Iftar (breaking the fast) as soon as the sun has set.

(2) Iftar should be made before the Maghrib Salat.

(3) The Muath-thin should make Iftar before proclaiming the Athan.

(4) At the time of Iftar it is Sunnat to recite the following dua:

"Allahuma inni laka sumtu wa 'ala rizqika aftartu".

"O Allah! for thy sake I have fasted and now I break the fast with the food that comes from thee."

(5) Iftar should preferably be made with dates. In the absence of dates, water is best. Although this is best, it is permissible to break the fast with any lawful food or drink.

(6) It is Makrooh to make iftar when in doubt regarding sunset. If it is overcast, iftar should be delayed until there is absolute certainty that the sun has set.

(7) If iftar is made even a minute before sunset, qadha of the fast is incumbent.

(8) It is Makrooh, to unnecessarily delay Iftar.

(9) The time of Iftar is very auspicious. Dua is readily accepted at the time when the fast is about to end.

THE SAUM OF RAMADHAN

(1) The Saum of Ramadhan is Fardh. One who denies the fardhiyat (being Fardh) of the Saum of Ramadhan becomes a kaafir while one who accepts its fardhiyat but neglects its observance is described as a Fassiq.

(2) The Saum of Ramadhan commences when the sighting of the Ramadhan hilal (crescent moon) has been confirmed in accordance with the rules of the Shariah.

Niyyat for the Saum. of Ramadhan should be renewed each day. A single niyyat at the beginning of Ramadhan will not suffice for the Saum of the entire month. Partaking of the Sahri meal will be an adequate niyyat for the validity of the Saum. While it is better to recite a verbal niyyat as well, the mere act of rising from sleep to participate in Sahri with the intention of fasting constitutes the actual niyyat.

(3) The Saum of Ramadhan belongs to the first class of Wajib fasting (see 1 (a) on page 3). Therefore, the niyyat for the Ramadhan fasting will be valid until Nisfun Nahar (see page 4). However, there is greater merit in making the niyyat at night, i.e. before Subah Sadiq.

(4) A mutlaq (i.e. without any descriptive condition) niyyat will suffice for the Saum. of Ramadhan. Thus, it is not incumbent to say: 'I am fasting the Saum of Ramadhan or Fardh Saum'. It will suffice to intend that one is just fasting.

(5) During the month of Ramadhan only the Saum of the prevalent Ramadhan can be kept. No other Saum is valid in the month of Ramadhan. Thus, previous Qadha fasts, Kaffarah fasts, Nafl fasts etc. are not discharged during the month of Ramadhan. Even if the niyyat of other Saum is made during Ramadhan, such niyyat will not, be valid and only the Saum of the existing Ramadhan will be discharged. By the niyyat not being valid here, means that in regard to other fasts the niyyat will not operate. In terms of the Shariah this niyyat, although made for other Saum will operate as valid for only the Saum of the existing Ramadhan.

(6) If on account of a reason accepted as valid by the Shariah, one does not fast during Ramadhan, one should not eat In the presence of others.

(7) If one's Saum is nullified by error, e.g. water slips down the throat while rinsing the mouth, one should remain the whole day as a fasting person although qadha is incumbent. It will be sinful to indulge in eating once the fast is erroneously broken.

(8) If haidh begins during the course of the fasting day, the fast is not valid. It is not incumbent to abstain from eating during the remaining part of the day. However, she should not eat in the presence of others.

(9) A woman whose haidh ends during the course of the day (i.e. during Ramadhan) should compulsorily abstain from eating, etc. Her fast on the particular day her haidh ended is not valid, hence she has to make qadha Inspite of having to refrain from eating etc. on that day.

(10) A fast of Ramadhan broken deliberately without valid reason, after having made the niyyat for fasting during the night, brings about the penalty of Kaffarah. (see page 15 for kaffarah).

(11) A musafir is permitted to refrain from Saum although it is meritorious for him/her to fast if the journey is not a difficult one. However, the Shariah allows a musafir to refrain from fasting during Ramadhan even if he/she encounters no difficulty on the journey. The musafir shall make qadha of all Saum omitted during the journey.

(12) A musafir ceases to be a musafir on returning to his hometown or on forming a niyyat of staying fifteen days or more at any place along the journey. The non-musafir is termed a muqeem. When a musafir becomes a muqeem, he has to compulsorily abstain from eating, etc. If he becomes a muqeem prior to Nisfun Nahar (see page 4), and he has yet not committed any act witch nullifies Saum, then his niyyat for the day's fast will be valid. However, if he has already eaten, etc. prior to becoming a muqeem, then although his fast will now not be valid, nevertheless, he has to compulsorily abstain from eating, etc. for the rest of the day. In addition he has to make qadha of that day.

(13) A muqeem (one who is not a musafir) who has started fasting and then goes on a journey, should continue with the fast. It is not permissible for this person who has become a musafir to break the fast.

(14) A musafir who returns home (becomes a muqeem) and dies before having obtained a sufficient number of days to make qadha of the fasts which he/she missed while on the journey, is liable for the qadha of only the number of days he/she remained alive and capable of fasting. Example: The musafir did not fast for 20 days. On returning home he/she died after 12 days, but did not make any qadha Inspite of having had the opportunity to do so, he/she is, therefore, liable for only 12 days of qadha, not for 20 days which were missed while on the journey. He/she has thus to make wasiyyat (a bequest) for the payment of Fidyah for the Saum which could no longer be discharged. (This rule will be further discussed on page 22).

(15) The same rule, viz. 14. will apply to a sick person who regained health after Ramadhan, but did not live a sufficient number of days to discharge all the Saum missed.

(16) If a musafir dies along the journey or the sick person dies without having regained sufficient health to fast, the Saum is waived. They are not required to make wasiyyat for payment of Fidyah (Fidyah is explained on page 22).

(17) When a pregnant woman has a genuine fear for either her own life or the life of the child she is bearing, it will be permissible for her to refrain from Saum. She will have to make qadha of

the Saum she misses as a result. Should she break her Saum during the course of the day, i.e. after having started it, the penalty of kaffarah does not apply to her. She is liable for only qadha. She cannot compensate the missed fasts with Fidyah as long as she has the ability to fast. Qadha is necessary.

Fear in this context will mean a genuine fear supported by either previous experience or by the advice of a pious Muslim physician. The word of a kaafir doctor or of a Muslim fassiq doctor is not valid grounds for her to break her fast nor to abstain from fasting.

(18) If a mother who breast-feeds her baby genuinely fears for her baby if she fasts - that the baby will suffer by her milk drying up during the fast, then it will be permissible for her to refrain from fasting. She has to make qadha of the missed fasts. She too cannot compensate the omitted fasts by means of Fidyah.

(19) A very old person who is truly unable to fast, is permitted to refrain from Saum. He has to offer compensation by means of paying the Fidyah (see page 22).

(20) When a child (a na-baligh-one who has not attained the age of puberty) becomes baligh during the course of the day in Ramadhan, he/she has to compulsorily refrain from eating the rest of that day although there is no qadha for that day.

(21) When a non-Muslim embraces Islam during the course of the day in Ramadhan, he/she has to refrain from eating the rest of the day although there is no qadha for that day.

(22) If the child mentioned in mas'alah 20 and the Muslim mentioned in mas'alah 2 1, eats during that particular day, there will be no kaffarah on them although their action of eating is sinful.

(23) The saum of a person who becomes unconscious after having commenced the fast, remains valid as long as medicine was not administered to him via his/her mouth.

(24) A person who lapsed into unconsciousness before having made niyyat for Saum during the night or before Nisfun-Nahar, shall make qadha of that day, i.e. if he/she had no intention of fasting that day.

(25) A person lapsed into unconsciousness before commencement of Ramadhan, and remained in this state the entire month. After regaining consciousness, qadha of the whole month is obligatory.

(26) When a person lapses into unconsciousness on the first night of Ramadhan and remained in this state the entire month or for a number of days, then qadha of the first day is not obligatory. Qadha of all the subsequent days- viz. the days after the day when unconsciousness started, is compulsory.

(27) If a person becomes insane prior to Ramadhan and the insanity endures until after Ramadhan, the saum of the whole of Ramadhan is waived even if sanity is regained.

(28) An insane person who regains sanity during Ramadhan has to make qadha of the fasts missed during the duration of insanity.

(29) If a non-Muslim embraces Islam during Ramadhan and learns of the obligation of fasting only after Ramadhan, then qadha is not compulsory on him.

(30) When a child reaches the age of seven years, he/she should be ordered to observe Saum. However, there is no qadha if the child breaks the fast. By the age of ten, the child should be compelled to keep the Ramadhan fasts. This is the normal rule. Parents should use their discretion and introduce their children to Saum according to their health and strength.

NATHR SAUM

Nathr is a vow or pledge made to Allah Ta'ala. Nathr Saum is a pledge to fast. A person may make a vow that if a certain dua or wish is granted, a certain number of days will be fasted. On the materialization of the dua/wish, fulfillment of the vow becomes Wajib (compulsory).

Nathr Saum is of two kinds:

(1) Nathr Mu-ayyan and (2) Nathr Ghair-muayyan or Nathr Mutlaq.

Nathr Muayyan is a vow in which the pledge is made to fast on specific days, e.g. it is pledged: "O Allah! if my dua Is fulfilled, I shall fast next Thursday, Friday and Saturday".

On fulfillment of the dua, it becomes W5jib to fast on the specific days mentioned in the vow.

(2) Nathr Mu-ayyan belongs to the first category of Saum, viz. the wajib category (see page 3).

(3) Niyyat for Nathr Muayyan will be valid until Nisfun-Nahar.

Nathr Ghair Muayyin or Nathr Mutlaq is a vow in which specific days are not set aside for Saum. The number of days to be fasted is declared, but the intention is not to fast on any particular days, e.g. a person vows:

"O Allah! if a certain dua of-mine is fulfilled, I shall fast three days".

Or someone merely assumes the liability of fasting a number of days without conditioning the fast with fulfillment of a dua, e.g. one says:

"O Allah! I shall fast two days".

(5) The saum of Nathr Mutlaq may be kept at any time. One is not required to keep such Saum immediately although it is best to discharge the obligation as soon as possible since no one knows when maut (death) will overtake one.

(6) For the validity of the Saum of Nathr Mutlaq it is essential to make niyyat before Subah Sadiq. If niyyat for this type of fasting is made after Subah Sadiq, the saum of the Nathr will not be discharged and the fast thus kept will be a Nafl one. The fast of the Nathr will have to be discharged on another day with a niyyat made before Subah Sadiq.

(7) When the method of executing the fasts is not stipulated in the vow, it will be permissible to discharge the Saum of the Nathr in any way one pleases, whether consecutively or interspersingly. Example: A vow is made to keep 10 fasts. When the vow was made one did not have any intention of keeping the fasts one after the other (i.e. consecutively) nor of keeping the fasts spread over a period (i.e. interspersingly). In this case one has the choice of executing the Saum consecutively or interspcrsingly.

(8) When the intention is to keep the Saum of the Nathr consecutively then it will be obligatory to do so.

(9) When failing to observe the consecutive order (as mentioned in mas'alah 8), the Saum will have to be kept all over again, e.g. the intention at the time of the vow was to fast three consecutive days. However, after fasting two days, one failed to observe fast on the third day or haidh started. The Saum will have to be started over again.

(10) If on account of severe weather conditions, e.g. extreme heat, one is unable to execute the Saum of Nathr on its specific days, it will be permissible to postpone the fasting for the winter months. The qadha will be valid.

(11) If the Nathr of Saum is attached to a condition, the fast will be validly executed only after the coming into effect of the condition. Example: "I shall fast three days if a certain event occurs". Now, if one fasts before the event transpires, the Saum of the Nathr will not be discharged. After occurrence of the event, the fasts will have to be repeated.

(12) Unfulfilled Saum of Nathr must be compensated by Fidyah, i.e. when death overtakes one, wasiyyat to pay Fidyah has to be compulsorily made. Example: A man vows to fast one month. Before being able to complete the month's fasting, he is overtaken by severe illness and he loses hope in life. It now becomes obligatory on him to make a bequest (wasiyyat) to enable his heirs to pay the Fidyah of the unfulfilled number of days of his Nathr.

(13) A vow of fasting made during the state of illness will become binding only if one gains sufficient health to fast. Thus, if a man during his illness vows to fast for a number of days, but dies before recovering from that illness, he is under no obligation to make wasiyyat for the payment of Fidyah for the Saum he was unable to execute. Fidyah is not Wajib on him.

However, if he recovers from his illness for even one day, the full number of days of his vow becomes obligatory on him. If he thereafter again lapses into sickness and loses hope in life, he has to make wasiyyat for the payment of Fidyah.

KAFFARAH OF RAMADHAN

Kaffarah Is the penalty which is imposed by the Shariah for the deliberate and flagrant nullification of the Saum of Ramadhan.

(1) Kaffarah applies to only the Saum of Ramadhan.

(2) Kaffarah comes into force only if the niyyat for fasting was made at night, i.e. before Subah Sadiq. Thus, if niyyat was made during the night to fast the following day, and then the fast is broken without valid reason, the Kaffarah penalty comes into effect.

(3) Kaffarah for flagrantly breaking a fast of Ramadhan is to fast 60 consecutive days - sixty days, one after the other, without missing any day in between.

(4) Since Kaffarah Saum belongs to the second class of the Wajib category of Saum (see page 3), it is essential to make niyyat for this type of fasting from the night, i.e. before Subah Sadiq. If the niyyat is not made before Subah Sadiq, the Kaffarah will not be valid.

(5) The kaffarah will be rendered invalid if for any reason-be it a valid reason-even a single day is omitted during the 60 day Kaffarah course. Thus if a person fasted for 59 days and failed to fast on the sixtieth day due to illness, he will have to start the Kaffarah all over again. The only interruption which will not invalidate the kaffarah is haidh (the monthly menses of women).

(6) A Kaffarah interrupted by the intervention of nifas will be rendered invalid.

(7) A person who is unable to discharge the Kaffarah because of ill-health or very old age, will have to feed 60 poor persons. Each miskeen (poor) should be given two full meals for the day or the amount in cash which is given as Sadqah Fitr. This amount is the price of approximately 2 kilograms bread flour. Instead of cash, flour may also be given.

(8) If the grain, food or cash of 60 persons is given to one man on a single day the Kaffarah will not be discharged. It will be regarded as an amount/quantity given to only one person. If the entire Kaffarah amount/quantity is distributed on a single day to only two persons, the Kaffarah will not be discharged thereby. Another 58 persons will have to be given each the Sadqah Fitr amount.

(9) The Kaffarah option of feeding 60 Masakeen (poor persons) may be discharged on a single day by feeding 60 persons or giving the cash or grain to sixty persons.

(10) The Kaffarah may also be spread over a period of 60 days. Daily, one miskeen may be fed or given the grain/cash until 60 days.

(11) If after having paid the Kaffarah one recovers from the illness and is able to execute the 60 day fast, then fasting 60 days becomes obligatory. The money, etc. previously given to the poor will become a nafl charity.

(12) If any miskeen among the sixty is a small child, the Kaffarah will not be discharged. If small children were fed, an equal number of adults will have to be fed in lieu. However, if the full Sadqah Fitr amount was given in cash to a poor child, the Kaffarah will be fulfilled.

(13) Where the Kaffarah option of feeding or payment is valid, another person may pay it on the instruction of the one who is liable for the Kaffarah. Without such instruction it will not be valid.

(14) Where the Kaffarah option of feeding or payment is valid, an Interruption during the course of feeding or paying will not invalidate the Kaffarah. Thus, if a person who is unable to fast the 60 days, undertakes to feed one miskeen for 60 days, but does not feed the miskeen for 60 consecutive days, the Kaffarah will be valid. As long as the miskeen is fed for 60 days, the Kaffarah will be valid even if the 60 days are spread over a long period.

(15) A single Ramadhan makes Wajib only one Kaffarah irrespective of the number of fasts flagrantly broken during that Ramadhan.

(16) If fasts were flagrantly nullified in more than one Ramadhan, the number of kaffarah will be equal to the number of Ramadhan. Thus, if fasts were flagrantly broken in three different Ramadhans, three different Kaffarah will be obligatory.

(17) When the Kaffarah is commenced on the 1st day of the Islamic month, then fasting two full Islamic months will suffice for the Kaffarah even if the total number of days In the two months are 58 days (29 day months).

If, however, the Kaffarah is started during the course of the month, then it will be necessary to fast a full 60 days.

THINGS WHICH BREAK THE FAST

(1) Eating or drinking breaks the Saum.

(2) Sexual intercourse even if there is no emergence of semen.

(3) Smoking.

(4) Inhaling smoke by one's own action, e.g. inhaling the smoke of incence, etc.

(5) Application of medication into the anus.

(6) Swallowing any substance or object which is not normally consumed as food or medicine, e.g. pebbles, paper, a coin, etc.

(7) Pouring oil into the ears.

(8) Saliva mingled with blood will break the fast if the taste of blood is discernable when swallowing.

(9) Eating deliberately after having eaten mistakenly. (Eating by mistake does not break the fast).

(9) Water slipping down the throat while making wudhu even if not done deliberately

(10) Deliberately inducing oneself to vomit will break the fast if the vomit is a mouthful. If the emergence of the vomit cannot be restrained, the vomit will be said to be a mouthful. Vomiting less than a mouthful will not break the fast even if deliberately induced.

(11) A food particle the size of a chana (about the size of half a pea). becoming unstuck from the teeth and slipping down the throat.

(12) Applying drops of medicine into the nostrils.

(13) Masturbation. In addition to it nullifying the Saum, it is an immoral and a sinful act. The perpetrator has been cursed by Rasulullah (Sallallahu Alayhi Wasallam).

(14) Medical tests undertaken by Women in which any instrument, etc. is internally inserted.

(15) Ejaculation as a result of caressing and fondling the wife even if there was no sexual intercourse.

THINGS WHICH DO NOT BREAK THE FAST

1) Eating, drinking or indulging in sexual relations forgetfully. This means that at the time of committing these acts, one does not remember the fast. However, if one continues even momentarily after recalling the fast, the Saum will be nullified.

(2) Applying eye-drops.

(3) Water entering the ears.

(4) Vomiting, no matter how much. This refers to vomiting which is not self-induced. For the rule regarding self-induced vomiting, (see above no. 10).

(5) Smoke, which is inhaled unintentionally, not by one's volition or conscious action.

(6) Applying surmah into the eyes.

(7) Smelling anything fragrant provided that there are no vapours.

(8) A food particle less than the size of a chana becoming unstuck from the teeth and slipping down the throat.

(9) Swallowing saliva and slime.

(10) Injection. The injection of medicine into the body will not break the fast provided that the medicine does not reach the brain or the stomach.

(11) Blood in the saliva will not break the fast if the blood is less than the saliva. This fact will be recognized if the taste of the blood is not discerned.

(12) Using a miswak to clean the teeth even if the miswak is fresh and has a taste.

(13) Breast-feeding the baby.

(14) If during wudhu water slips down the throat while one does not remember the saum, the fast will not break.

(15) Ejaculation of semen during sleep.

(16) Ejaculation caused by imagination.

(17) Janabat or the state of Hadath-e-Akbar which is purified by

ghusl. If one has not taken ghusI and Sahri time ends, the fast is valid.

THINGS WHICH DO NOT BREAK THE FAST, BUT WHICH ARE MAKROOH DURING SAUM

Some things, while not breaking the fast, are nevertheless Makrooh to do during fasting. Makrooh means detestable and in this context Makrooh things are sinful. Makrooh things bring about a decrease in the thawab of the Saum. It is, therefore, essential to abstain from committing Makrooh acts. The following acts are Makrooh during fasting:

(1) Tasting. Tasting food, etc. is Makrooh if done unnecessarily. If an ill-tempered husband shows his unjustified wrath when food has not been prepared to satisfy his taste, it will be permissible for the wife to taste the food while she is preparing it. As long as nothing goes down her throat, her fast will be valid and her act of tasting will not be makrooh.

(2) Using powder or paste to clean the teeth, If anything of these substances slips down the throat, the Saum Is nullified.

(3) Caressing, fondling or kissing the wife. If ejaculation does not occur. the Saum will be valid.

(4) To rinse the mouth at times other than when making wudhu.

(5) To put water in the nose at times other than when making wudhu.

(6) To take ghusl merely for cooling.

(7) To swim.

(8) To unnecessarily apply ointment to the lips. If, however, due to pain caused by cracked lips, ointment is applied care should be taken to prevent licking the ointment.

(9) To unnecessarily chew something to soften it, for example.

(10) To eat when in doubt as regards the existence of Sahri time. If later it transpires that Sahri time had in fact expired, qadha will be obligatory.

(11) To make Iftar (i.e. to break the fast) when in doubt as to the time of sunset. If it transpires that the time when Iftar was made the sun had not yet set, qadha will be obligatory.

(12) Participating In un-Islamic activities such as watching television and playing games such as chess, draughts, monopoly, etc. The thawab of the Saum is destroyed by indulgence In such unlawful activities.

(13) Gheebat or back-biting.

(14) To gargle the mouth when making wudhu

QADHA SAUM

Qadha means to fulfill or to compensate fasts which were not executed when they were due.

(1) It is necessary to make qadha of Saum as soon as possible since one does not know when death will overtake one. While it is not Wajib to make the qadha immediately after Ramadhan or on any other specific day/ s, qadha should not be unnecessarily delayed.

(2) Qadha Saum belongs to the second class of Wajib fasting (see page 4). For the validity of Qadha Saum it is essential to make niyyat during the night, i.e. before Subah Sadiq.

(3) Saum omitted on account of haidh and nifas has to be made qadha.

(4) It is not necessary to specify in one's niyyat for qadha the particular day/s which were omitted. It will suffice to merely intend that: "I am keeping qadha fast", However, if the Saum missed be longs to more than one Ramadhan, then it will be essential to specify in one's niyyat for qadha the year, e.g. "I am making qadha of the Saum of Ramadhan of the year 1409", etc.

(5) It is not obligatory to keep the qadha Saum all at once (consecutively). The qadha Saum may be spread over a period or they may be kept consecutively.

(6) Saum which Is broken in any way whatsoever, deliberately or erroneously, voluntarily or under compulsion, has to be made qadha.

(7) qadha has also to be made of Nafl fasts which were broken.

(8) Qadha has also to be made of Nathr Muayyan fasts (see Nathr no. 8) which were not executed on their specified days.

(9) If by the time death approaches, the qadha has not yet been discharged, it will then be obligatory to make a wasiyyat (bequest) for payment of Fidyah (see page 22).

(10) Similarly, if due to old age or sickness one is unable to fast and the qadha has not yet been executed, wasiyyat to pay Fidyah will be Wajib (obligatory).

THINGS WHICH MAKE PERMISSIBLE THE BREAKING OF SAUM

Breaking Saum becomes permissible only in case of a real need, emergency or danger. When a fast is broken on account of a valid reason qadha of the fast is obligatory. In such cases only qadha is necessary, not Kaffarah.

The following are valid reasons which make permissible the breaking of Saum:

(1) Sudden sickness which endangers one's life, or which will cause great deterioration of health if the fast is not broken.

(2) When it becomes necessary to take medicine due to having been bitten by a poisonous animal.

(3) Extreme thirst, which endangers one's life.

(4) A pregnant woman having genuine fear for either her own safety or the safety of the child she is bearing, may break the fast.

(5) A woman fearing for the life of the baby she is breast-feeding may break the fast. If her milk dries up as a result of the fast and the baby is dependant on breast-feeding, breaking the Saum is permissible.

(6) A Nafl fast may be broken to honour one's guests. Qadha of the fast has to be made.

FIDYAH AND WASIYYAT

Fidyah is the compensation which has to be paid for the Saum which has not been executed on account of permanent disability, etc.

(1) The Fidyah amount for each compulsory fast not kept is the same as Sadqah Fitr, viz. 2kg bread flour or its cash equivalent or feeding a miskeen (poor person) two full meals for a day.

(2) Unlike Kaffarah, it is permissible to distribute the Fidyah amount among several masakeen (poor persons).

(3) Fidyah (as well as Kaffarah) money/food can be given to only such Muslims who are allowed to accept Zakat.

(4) If by the time maut (death) approaches, one has not yet paid the Fidyah, it will be Wajib to make a wasiyyat (bequest) for the Fidyah to be paid.

(5) A person who is allowed to pay Fidyah for undischarged Saum, on recovering his health after having paid the Fidyah, is obliged to fast the number of days he had missed. The Fidyah thus paid will become a Nafl charity.

WASIYYAT

Wasiyyat is a bequest which a person has to make with regard to undischarged Saum.

(1) If by the time of the approach of maut (death) a person has not executed his obligation of qadha Saum or Fidyah, it will be Wajib (obligatory) on him/her to make a wasiyyat, declaring that Fidyah for the undischarged Saum obligation be paid on his/her behalf.

(2) Once the mayyit (deceased) has made a wasiyyat, it will be wajib on the executors/heirs of the mayyit's estate to pay the Fidyah from the estate of the deceased, i.e. from one third of the estate.

(3) If the Fidyah amount exceeds one third of the estate, payment of the excess from the mayyit's estate is not permissible. However, if all the adult heirs willingly consent to the payment of the full Fidyah (i.e. including the excess), it will be permissible. The consent of minors is not valid, hence the excess (i.e. more than one third the value of the estate) cannot be paid from the shares of the minor heirs.

THINGS WHICH PERMIT ABSTENTION FROM SAUM

The following things permit one to refrain from fasting:

(1) Extreme old age which renders a person decrepit.

(2) Sickness. If there is danger to life or if the fast will cause the sickness to deteriorate, it will be permissible to abstain from Saum.

(3) Pregnancy, if the health or life of the mother or child is threatened.

(4) Breast-feeding, if the baby is dependent thereon and if the Saum causes the milk to dry out.

(5) Journey. A musafir (one who has undertaken a journey of 48 Islamic miles or more) is permitted to abstain from fasting. Forty eight Islamic miles equal 88 kilometres.

(6) Haidh (menses). The Saum of a woman in the state of haidh is not valid. She has to make qadha after Ramadhan.

(7) Nifas (post-natal blood). The Saum of a woman in the state of nifas is not valid. She has to make qadha after having attained tahaarath (purification - when nifas ends).

THE DAYS WHEN IT IS FORBIDDEN TO FAST

There are five days during the year on which it is forbidden to fast.

These five days are:

The two days of Eid and the three days of Tashreek viz. 11th, 12th and 13th Zil-Haj. (The 3 days following Eid-ul-Adhaa)

Fasting on these days is not valid.

YAUMUSH - SHAKK (THE DOUBTFUL DAY)

(1) The day after the 29th of Sha'ban is termed Yaumush Shakk or the Doubtful Day because of the possibility of that day being the 30th Sha'baan or the 1st Ramadhan.

(2) It is Makrooh to fast on Yaumush Shakk whether it is a Nafl, Qadha or Nathr Saum.

(3) If one's usual day of Nafl fasting coincides with Yaumush Shakk, it will then not be Makrooh to fast on that day, e.g. it is one's usual practice to fast on Mondays and Thursdays. Should Yaumush Shakk coincide with Monday or Thursday and one makes the firm intention of Nafl fast, then it will not be Makrooh. Should it be confirmed later that the day is in fact the first day of Ramadhan, the fast thus kept will be regarded as the Fardh Saum of Ramadhan even though the niyyat was for Nafl.

(4) It is Makrooh Tahrimi (which is a forbidden and sinful act) to fast on this day (Yaumush Shakk) with the niyyat of Ramadhan or some other compulsory Saum such as Qadha or Nathr. Nevertheless, if it transpires that the day is in fact the first day of Ramadhan, then this fast will be regarded as the Saum of Ramadhan.

(5) It will be afdhal (best) for a person whose usual day of Nafl Saum coincides with Yaumush Shakk to fast on that day (viz. Yaumush Shakk).

(6) On the Day of Doubt people should abstain from eating until Nisfun-Nahar (about one hour before Zawwal). If by this time news confirming the sighting of the moon is received, they should make the niyyat for Ramadhan Saum. If by Nisfun-Nahar such confirmation is not received, they should eat, for then it is not Ramadhan.

MISCELLANEOUS MASA-II,

(1) Saumul-Wisal is Makrooh. Saumul WisaI is to fast the whole year including the forbidden days.

Saumul Wisal according to another authoritative version also means fasting continuously - day after day - throughout the year excepting the forbidden days.

(2) The best method of Nafl fasting is to fast every alternate day. However, due to the physical weakness of most people in this age, Auliya advise abstention from abundance of Nafl Saum.

(3) When fasting on the Day of Ashora (10th Muharram), it is Sunnat to add another day. Therefore, one should fast on either the 9th and 10th or the 10th and 11th Muharram.

(4) Saumus Samt is Makrooh. Saumus Samt means a fast in which abstention is not only from eating, drinking and sexual relations, but also from speaking. Saumus Samt literally means a fast of silence.

(5) If the husband himself is fasting, he is not entitled to prevent his wife from Nafl fasting. Thus, when he is fasting she does not require his consent for Nafl fasting.

(6) If fasting interferes with the diligence of a worker, it will be makrooh for him to engage in Nafl Saum without the consent of his employer.

(7) When one is permitted to abstain from a Saum during Ramadhan due to a valid reason, one should not eat publicly.

(8) If it is seen that an aged or a feeble person eats forgetfully during Ramadhan, it is permissible to refrain from reminding him of the fast. However, if he is strong enough to complete the fast without difficulty, then it will be incumbent to remind him, of the Saum.

THE VIRTUES, SIGNIFICANCE AND REWARDS OF SAUM

(1) Rasulullah (Sallallahu AIayhi Wasallam) said:

"He who fasts solely for the sake of Allah Ta'ala, his previous sins are all forgiven".

(2) "The odour of the mouth of a Sa-im (fasting person) is sweeter to Allah than the fragrance of musk".

(3) It is narrated in the Hadith that on the Day of Qiyamah, even before Reckoning has taken place, the fasting people will be sumptuously fed under the shade of Allah's Arsh (Throne) while others will be still embroiled in the hardships of Reckoning.

(4) Rasulullah (Sallallahu Alayhi Wasallam) said:

"The sleep of a Sa-im is ibadat and his silence Is Tasbeeh (recitation of Subhanallah): (the thawab of his deeds is considerably increased: his dua is accepted and his sins are forgiven".

(5) "Saum is a shield and a powerful fort to save one from Jahannam. "

(6) According to the Hadith fasting is a shield as long as the Sa-im does not rupture it with lies and backbiting (gheebat). Although the fast will be discharged, the thawab and efficacy of the Saum are destroyed by the commission of sin.

(7) Rasulullah (Sallallahu Alayhi Wasallam) said: that the Sa-im has been promised by Allah Ta'ala that at the time of Iftar (at least) one of his duas will most certainly be accepted.

(8) The person who gives a Sa-im something with which to break his fast, will receive the thawab of the fast while nothing will be reduced of the Sa-im's fast. This thawab will apply even if some water is presented with which to break fast. (Hadith).

(9) On the first night of Ramadhan the Doors of Heaven are opened up and all Doors remain open until the end of Ramadhan. (Hadith).

(10) Every raka't of Salat performed during the nights of Ramadhan gains for the Sa-im the thawab of one and half thousand good deeds. In addition special mansions will be constructed in Jannat for this person. (Hadith).

(11) On the first night of Ramadhan the sins committed since the previous Ramadhan until now are forgiven. (Hadith).

(12) During Ramadhan, 70,000 Mala-ikah daily make Dua of Maghfirah (forgiveness) on behalf of the Sa-im, from the time of Subah Sadiq until sunset. (Hadith).

(13) Whoever engages in gheebat (back-biting) or consumes liquor during the month of Ramadhan, Allah Ta'ala will erase ' the good deeds which he had rendered throughout the year. (Hadith).

(14) Rasulullah (Sallallahu Alaylhi Wasallam) said:

"Every good deed of the son of Aadam (alaihi sallam) is increased (in reward)from ten times to seven hundred times - and Allah Ta'ala said: 'Except Saum, for verily, it (Saum) is for Me and I, Myself will reward it. The Sa-im abstains from desire and food for My sake.' For the Sa-im there are two (occasions of pleasure -pleasure at the time of breaking fast and pleasure at the time of meeting his Rabb".

(15) Rasulullah (Sallallahu Alaylii Wasallam) said:

"Saum and the Qur'an will intercede on behalf of the servant (of Allah). Saum will say" 'My Rabb! I forbade him from food and desires during the day, therefore, accept my intercession on his behalf.' The Qur'an will say: I forbade him from sleep at night, therefore accept my intercession on his behalf'. Thus, their intercession will be accepted".

THE SIGHTING OF THE MOON

(1) The Islamic months, being lunar months, commence with the sighting (rooyat) of the crescent moon (hilal). The principle is the sighting of the hilaI, not the birth of the moon.

(2) It is Wajib (obligatory) for the people to search for the hilal at the end of the 29th day of Sha'ban, i.e. at sunset.

(3) if the hilal is not sighted nor is reliable news of the sighting of another place received, the month of Sha'ban should then be completed with 30 days. This is the clear, straight forward and simple instruction of Rasulullah (Sallallahu Alayhi Wasallam). If this instruction is adhered to, all controversy usually associated with moon-sightings nowadays, will be eliminated. Regarding the hilal and associated controversies, the MujIisul Ulama has published a book: 'THE SIGHTING OF THE HILAL'. Write for a copy to Y.M.M.A., P.O. Box 18594, Actonville 1506, South Africa.

There are many masa-il (rules) related to the sighting of the hilal and its confirmation. However, since these rules are necessary for only those in positions of Islamic leadership (the Mufti, Imam, etc.), these will be omitted from this book.

(4) In the present time people indulge in needless controversy regarding Ramadhan and Eid. In some countries such as England, where the hilal cannot be sighted at the end of the 29th day due to perpetual overcast conditions, the desire is almost always to ignore the simple and clear instruction of Rasulullah (Sallallahu Alayhi Wasallam) viz. if the hilal is not sighted, the month should be completed with 30 days. The attitude adopted by people of such places conveys the impression that it is wrong to follow the example of Rasulullah (Sallallahu Alayhi Wasallam), hence attempts are made to obtain news of moon sightings from nearby or even distant countries. In the process of receiving and accepting news and information of this kind, irregularities are committed. Many a time, the news is not regarded reliable in Shar'i terms.

The, inhabitants of such countries will render themselves a favour should they opt for following Rasulullah (Sallallahu Alayhi Wasallam)'s advice in matters of sightings of the hilaI. It does not matter at all if every Islamic month is a thirty day month on account of the hilal not being sighted at the end of the 29th, day.

There is no need for the institution of elaborate, expensive and time-consuming measures for the purposes of confirming the sighting of the hilal. Simple Islamic practices of the Sunnah are inexpensive and do not give rise to controversy. The Sunnah method is simply to regard the month as a 30 day month if the hilal is not sighted at the end of the 29th day.

(5) Another act of deviation in regard to moon-sighting is the introduction of the baseless principle of 'Eid in conjunction with Makkah'. Some deviated people have of recent come up with this idea. However, in the Shariah there is no such principle as 'Eid in conjunction with Makkah'. If the sighting is not confirmed according to Shar'i rules, the month will not commence regardless of the month having been started in Makkah Muazzamah. The Shariah does not require all regions of the world to follow Makkah Muazzamah in regard to moon-sighting.

Write for our book:

'ANSWER TO AL AZHAR'S FATWA, to the

YOUNG MEN'S MUSLIM ASSOCIATION

P.O. Box 18594, Actonville 1506

(Benoni, South Africa).

WAJIB (COMPULSORY) SAUM

Besides the Saum of Ramadhan, there are other compulsory Saum as well. These are briefly discussed hereunder.

(1) Saum as Kaffarah for Qasam

When a Qasam (oath) has been violated, one of the options of expiation is to fast three consecutive days. On having fasted three days - one after the other - one is absolved of the sin of having violated the oath.

(2) Saum as Kaffarah for killing

When a person has been accidentally killed, the killer has to fast sixty consecutive days in addition to the Diyat which he has to pay to the heirs of the killed person. (This will, Insha'Allah be explained In Kitabul Jinayat, should Allah Ta'ala grant us the taufeeq to complete this series of books).

(3) Saum of Zihar

When a person utters to his wife. 'You are for me like the back of my mother' or any other similar statement, the wife becomes unlawful to her husband until he has executed the Saum of Zihar which consists of fasting sixty consecutive days. (This subject will, Insha'Allah, be explained In detail when our series reaches Kitabun Nikah).

(4) Saum of Hajj-e-Tamattu

When the Mutamatti is not by the means to sacrifice his/her Dam-e-Tamattu (the animal which a Mutamatti has to compulsorily sacrifice), ten fasts become obligatory in lieu. Three fasts are to be observed in Makkah Muazzamah, the last of the three being on the Day of Arafah, and seven fasts are to be observed after returning home. It is not obligatory to keep these fasts in consecutive order.

(5) There are also some other obligatory fasts which have to be kept as penalties for certain violations of Ihram. These will, Insha'Allah be explained in Kitabul Hajj.

MASA-IL PERTAINING TO SAUM

(1) The thawab and spiritual benefits of saum are eliminated by commission of sin during the state of fasting.

(2) Fasting acts as a protecting shield for the Sa-im (fasting person) as long as he does not destroy his Saum with sin.

(3) Among the sins which destroy the benefits of Saum, the worst is Gheebat (to speak ill of others in their absence), Gheebat also produces physical weakness during Saum. The fast thus becomes very difficult to observe.

(4) Indulgence in futile acts, nonsensical and idle conversation are also negatory of the benefits of Saum.

(5) While it is necessary to remember Allah Ta'ala at all times, the need for Thikrullah is greater during the fast, This greatly improves the spirituality of the fasting person and is very efficacious in bringing one closer to Allah Ta'ala.

(6) The dua of the fasting person is readily accepted by Allah Ta'ala, especially his dua at the time of iftar.

Rasulullah (sallallahu alayhi wasallam) said:

"Everything has a gateway. The gateway of ibadat is fasting".

Explaining the benefits of fasting, Imam Ghazali (rahmatullah alayh) says:

"Fasting overpowers shaitan, the enemy of Allah because the base of all carnal desires is the stomach. By filling the stomach, lust exhibits its actions. Shaitan, by manipulating these carnal desires, targets man as his prey. When the Muslim adopts hunger by fasting and the lustful desires weaken in consequence, shaitan is beaten into defeat and despondency".

'Ensure (fiat (The food with which you make iftar is halal without the slightest vestige of doubt. Do not eat so much that the body feels heavy. The aim of the fast is defeated in so doing"

I'TIKAF

(1) I'tikaf means to stay in the Musjid with the niyyat of I'tikaf for the sake of Allah Ta'ala. The purpose of such stay in the Musjid is ibadat and to gain proximity to Allah Ta'ala.

THE TYPES OF I'TIKAF

There are three types of I'tikaf: Wajib, Sunnatul Muakkadah and Nafl.

WAJIB I'TIKAF

An I'tikaf of Nathr and a Qadha I'tikaf are Wajib (compulsory) I'ltikaf.

NATHR I'TIKAF

(1) I'tikaf of Nathr is an I'tikaf undertaken as a result of a vow made to Allah Ta'ala.

(2) The validity of Nathr I'tikaf requires the verbal expression of the Niyyat or intention. It is, therefore, essential to verbally say, for example:

"I am undertaking (or making) I'tikaf for Allah Ta'ala for three days",,

or any other similar statement in which it is declared that I'tikaf has been undertaken or is presently being undertaken. The expression of an intention should not relate to the future, e.g. "It is my intention to perform I'tikaf", etc.

For the purpose of Nathr I'tikaf only a niyyat in the mind/heart is not sufficient.

(3) Saum (fasting) is a condition for the validity of Nathr I'tikaf. Nathr I'tikaf without fasting is not valid even if one vows to observe I'tikaf without fasting.

(4) There are two types of Nathr I'tikaf: Nathr Muayyan and Nathr Ghair Muayyan. Nathr Muayyan I'tikaf is an I'tikaf, the observance of which, one vowed to keep on specific days, e.g. on the 13th, 14th and 15th of Muharram. If one failed to observe the I'tikaf on the particular days stipulated in the niyyat, the I'tikaf has to be discharged at another time, i.e. qadha will have to be made of the I'tikaf.

Nathr Ghair Muayyan I'tikaf is an I'tikaf, the observance of which is not pledged for any specific day/s. one merely vows to observe I'tikaf for two days (for example). Such an I'tikaf may be executed at any time of one's choice.

(5) If in the niyyat the number of days is expressed in the plural, e.g. 'I shall observe I'tikaf of two days (three or four days etc.), and no specific meaning was given to the word 'days', then the word 'day' will mean 24 hours. Thus, I'tikaf of the days as well as the nights will be obligatory.

When expressing the niyyat, if the intention is to observe I'tikaf only during the day and not during the night, only the days will become wajib.

If it is specified in the niyyat that I'tikaf of only the nights will be observed, then such I'tikaf is not obligatory.

(6) Similarly, if in the niyyat the term 'nights' was used, e.g. 'I have made obligatory on me an I'tikaf of three nights'., and by the term 1 nights' no particular meaning was intended nor specified, then I'tikaf of both the night and day will be Wajib.

(7) If the vow was for an I'tikaf of one day only, then It will mean the day commencing from Subah-Sadiq until sunset. However, if the Intention was a 24 hour period, then 'one day' will mean from one sunset to another sunset, i.e. 24 hours - night and day.

(8) If the Intention is to observe I'tikaf of only one day (i.e. minus the night), one should enter the Musjid just prior to Subah-sadiq and leave at any time after sunset.

(9) If the intention is to observe I'tikaf for 24 hours or for several days with nights included, one should enter the Musjid before sunset and leave at any time after sunset of the last day of the I'tikaf.

(10) When Nathr (vow) is made to observe I'tikaf for several days (i.e. days including nights - 24 hour period), it will be wajib to execute the days of the I'tikaf consecutively - one after the other without interruption. However, if at the time of the niyyat it is specified that the I'tikaf will be interspersed, then it will be permissible to spread the number of days of the Nathr I'tikaf over a period. It will then not be Wajib to observe the I'tikaf in consecutive order of days.

(11) In a Nathr I'tikaf in which the nights have not been included in the niyyat, it will be permissible to intersperse the days of the I'tikaf. Consecutive order in this case is not iv7ijib.

(12) A Nathr Muayyan I'tikaf (in which a specific month or particular days have been specified for the I'tikaf may be executed even before the specified period.

(13) If it is expressed in the vow that the Nathr I'tikaf will be undertaken in Musjidul Haram, it will be permissible to observe it in any Musjid.

(14) Nathr I'tikaf may be discharged even with the Saum of Ramadhan. Thus, if a vow was taken to observe I'tikaf during Ramadhan (i.e. other than the I'tikaf of the last 10 days), then such I'tikaf will be valid and the fasting of Ramadhan will suffice for the I'tikaf.

(15) Nathr I'tikaf will be valid with any type of Wajib fasting even if the Saum is qadha or Kaffarah fasting. Thus, if one is keeping Qadha fasts, one may observe a Nathr I'tikaf on such days.

(16) Nathr I'tikaf will not be valid with Nafl fasting. Thus if one intends Nathr I'tikaf after having commenced a Nafl Saum, the Nathr I'tikaf will not be valid.

(17) The minimum period for a wajib I'tikaf is one day, i.e. from Subah Sadiq to sunset.

QADHA OF I'TIKAF

(1) Qadha will be made of Nathr and Masnoon I'tikaf. There is no qadha for Nafl I'tikaf.

(2) Qadha of Nathr Muayyan I'tikaf will be made if the I'tikaf was not observed on its specific days or if it was rendered void while observing it.

(3) Masnoon I'tikaf (i.e. the I'tikaf of the last ten days of Ramadhan) will be made qadha if it was rendered void after having commenced it. It is necessary to make qadha of only the day or days which were rendered void. When making qadha of the Rika-f, Saum (fasting) is obligatory. qadha of the ITIKAF will be valid only if fasting is also observed on the day/ s when the qadha-a is being made.

SUNNATUL MUAK-KADAH ITIKAF

I'tikaf of the last ten days of Ramadhan is the only Masnoon I'tikaf. This Masnoon I'tikaf is Sunnatul Muak-kadah alal Kifayah. If a few or even just one person observes this I'tikaf in a particular area/neighbourhood, the duty will be discharged on behalf of the entire community of that locality. On the otherhand, if no one observes this I'tikaf, the whole community will be guilty of neglecting a Sunnatul Muakkadah obligation. Such neglect is sinful.

(1) The Mu'takif (the one who observes I'tikaf will enter the Musjid before sunset of the 20th day of Ramadhan.

(2) The Mu'takif will remain in the Musjid, until the sighting of the Eid hilal is confirmed.

(3) Niyyat (making intention) is a necessary condition for Masnoon I'tikaf as well.

(4) If the Masnoon I'tikaf is broken or nullified, qadha of it is obligatory.

THE VENUE FOR I'TIKAF

(1) For men, I'tikaf is valid in only a Musjid in which Athan and Iqamah are proclaimed for the five daily Salat. In otherwords it has to be a Musjid in which the five daily Salat are performed with Jama't.

(2) Females can observe I'tikaf in a place in their homes, set aside for Salat or specially cordoned off for the purpose of I'tikaf.

(3) It is not permissible for women to come to the Musjid to observe I'tikaf or to perform Salat or to listen to lectures.

(4) The Musjid here refers to the Musjid proper and not to the annexures or adjacent buildings erected for the needs of the Musjid or Musallees.

The Musjid proper is that section of the building which was intended by the Waqif to be the Musjid.

(Waqif is the person or organization who erected the Musjid, and demarcated the Musjid boundaries).

(5) Most Musajid have a section at the back, which in most cases is under the same roof, but is excluded from the Musjid proper. Janazah Salat and sometimes a second Jama't by late-comers are performed in this section. Since this section of the building is excluded from the Musjid proper, it is not permissible for the Mu'takif to venture unnecessarily into that area. If he does, his I'tikaf will be rendered void.

(6) The Mu'takif should ascertain from the Mutawallis (trustees) the exact boundaries of the Musjid.

(7) The wudhu Khanah, courtyard, store-rooms and any other adjacent buildings are all excluded from the Musjid.

(8) It is essential that the Mu'takif remains inside the Musjid, or inside the special place set aside at home (for women) throughout the duration of the I'tikaf. Leaving the place of I'tikaf unnecessarily for even a minute will render the I'tikaf null and void.

VALID REASONS FOR LEAVING THE MUSJID AND WHICH WILL NOT BREAK THE I'TIKAF

It is permissible to leave the Musjid for the following acts of need:

(1) To answer the call of nature - to go to the toilet.

(2) To pass wind.

(3) To take an obligatory bath.

(4) To make wudhu.

(5) Juma'h Salat, if Juma'h Salat is not performed in the Musjid where the I'tikaf is being observed. In this case the Mu'takif should leave the Musjid at such a time to enable him to reach the other Musjid in time to perform his Sunnat Salat. He should leave immediately after having completed the six raka'ts Sunnats after the Fardh Salat. He should not delay for Dua and Thikr.

(6) To proclaim the Athan, if he is the Muath-thin. This is permissible for even a Mu'takif who is not the permanent Muath-thin.

(7) To bring food if there is no one to tend to this need of his.

(8) If one is compelled to leave the Musjid either because of danger or forceful eviction, one may immediately proceed to another Musjid. to continue with the I'tikaf an unnecessary delay in the process of changing Musjids is not permissible and will break the I'tikaf. When leaving the Musjid for the above mentioned reasons, the Mu'takif must return to the Musjid immediately after having fulfilled the need. An unnecessary delay of even a minute will break the l'tikaf.

THE MUFSIDAT OR THE THINGS WHICH INVALIDATE (BREAK) THE I'TIKAF

Only Wajib and Masnoon I'tikaf are rendered invalid. Nafl I'tikaf is not rendered void by any act. It is merely ended by engaging in an act which is not permitted for the Mu'takif.

Unnecessarily leaving the Musjid for even a minute whether intentionally, unintentionally or under compulsion, will invalidate the I'tikaf. All acts and reasons besides the valid reasons (see page 35,36) will be regarded as 'unnecessary' in the context of I'tikaf. Thus, leaving the Musjid due to illness, although permissible, will invalidate the I'tikaf. To leave the Musjid for Jannazah Salat, visiting the sick or for an other permissible activity besides the VALID REASONS (see page 36,37), will render the I'tikaf null and void.

The I1ika-f will also become void (break - be invalid) if the Mu'takifs fast breaks.

THE MUBAHAT OR THE THINGS WHICH ARE PERMISSIBLE DURING I'TIKAF

During I'tikaf, the following acts are mubah (permissible):

(1) To eat and drink.

(2) To sleep.

(3) Necessary conversation.

(4) To change clothes and apply perfume and oil.

(5) To cut hair and nails. These should not be allowed to fall in the Musjid.

(6) To walk inside the Musjid.

(7) To sit anywhere inside the Musjid.

(8) To tend to a sick person inside the Musjid.

(9) If necessary, to buy and sell goods provided that the goods are not brought Into the Musjid nor is payment made inside the Musjid.

(10) To teach Deeni lessons.

(11) To sew clothing.

(12) To study Deeni books.

(13) To get married and to perform a Nikah.

(14) All such acts which are lawful and allowed in the Musjid are permissible for the Mu'takif.

THE MAKRUHAT OR THE THINGS WHICH ARE DETESTABLE AND NOT PERMISSIBLE FOR THE MU'TAKIF

The Makruhat during I'tikaf are as follows:

(1) To maintain total silence.

(2) To Indulge In idle talk.

(3) To sleep excessively merely to wile away the time.

(4) To unnecessarily pass wind inside the Musjid.

(5) To sew garments or engage in any occupation for a fee.

(6) To read books and magazines which are not of a Deeni nature.

(7) To erect the mu'takaf in a way which inconveniences the Musallees. (Mu'takaf is the area which is enclosed for the sleeping and eating of the one who observes I'tikaf).

(8) To engage in any worldly activity unnecessarily.

WHAT TO DO DURING I'TIKAF

The Mu'takif should engage himself in lbadat to the best of his ability. Nafl Salat, Tilawat, Durood, Istighfar and permanent Thikr in general should be the Mu'takifs occupations throughout the duration of his I'tikaf.

When the Mu'takif speaks, he must speak only what is virtue or what is necessary.

The Mutakif should not do anything which conflicts with the spirit of I'tikaf. He should guard his heart, mind, ears, eyes and limbs against all evil, thus deriving maximum benefit from his seclusion in the Musjid.

The Mu'takif is the guest of Allah. He should, therefore, be careful of his behaviour in the House of Allah.

MASAAL (RULES) PERTAINING TO I'TIKAF

(1) The same rules which apply to a man observing I'tikaf in the Musjid, apply to a woman observing I'tikaf in her place of seclusion at home.

(2) When necessity, e.g. Juma'h Salat in another Musjid, compels the Mu'takif to leave his Musjid, it will be permissible for him to enquire about a sick person or generally engage in good conversation without departing from the road. He must not unnecessarily stop on the road.

(3) During I'tikaf it is not permissible to leave the Musjid for even a Sunnat ghusl.

(4) It is permissible for the Muath-thin who is in I'tikaf to enter the minaret for the Athan.

(5) Whilst standing inside the Musjid it is permissible for the Mu'takif to protrude his lie-ad out of the window.

(6) Emission of semen, e.g. in a wet dream, does not invalidate the I'tikaf.

(7) A woman's I'tikaf is proper if she has the consent of her husband.

(8) The I'tikaf of a child who understands the meaning of I'tikaf, is valid. Buloogh (puberty) is not a condition for the validity of I'tikaf.

(9) It is permissible to sleep on a bed in the Mu'takaf (the place cordoned off for sleeping and eating).

(10) A person who is not in I'tikaf should not join the Mu'takif for iftar or eating unless he also makes a niyyat for I'tikaf. Such an I'tikaf will be Nafl and its duration can be even for a minute. The person should make niyyat of I'tikaf, then engage in some thikr and Salat. Thereafter lie may do as he pleases, e.g. join the Mu'takif in eating.

(11) The Mu'takif should remain at all times with wudhu. If his wudhu breaks, it will be permissible for him to leave the Musjid for the purpose of wudhu, even if it is not yet time for Salat. After making wudhu, lie should perform at least two raka'ts Tahiyyatal -wudhu. Similarly, it will be permissible for him to leave the Musjid to make wudhu at night to enable him to sleep with wudhu.

(12) If for some reason the I'tikaf of Ramadhan was rendered void (broken), it will not be necessary to leave the Musjid. The remaining days may still be observed and qadha of the day/s rendered void should be made.

THE THREE CLASSES OF FASTING

In his Kitaab, Tableeghud Deen, Imaam Ghazali (rahmatullah alayh) says:

"Fasting,.with regard to quality, are of three kinds:

(1) The Saum of the Awam (general public-the masses). Their fast consists of only abstention from the physical acts which nullify the fast. While they abstain from eating, etc., they involve their bodies in sin. Such saum is merely fasting in name. (Only the Fardh obligation is discharged thereby).

(2) In addition to abstaining from food, etc., the Sa-im (fasting person) restrains the body from acting in violation of the Shariah. He withholds his tongue from gheebat and eyes from casting gazes at ghair mahareem. This is the middle category of fasting.

(3) The third category of fasting is the Saum of the elite servants of Allah Ta'ala, viz. the Muttaqeen. In addition to their limbs abstaining from transgression, their hearts and minds arc perpetually engrossed in thikrullah. At all times, in their hearts there is nothing but the remembrance of Allah Ta'ala. This is fasting in the state of kamal (perfection)".

Majlisul Ulama

P.O. Box 3393 Port Elizabeth 6056

Republic. Of South Africa